

1888-005 Chancery Causes: Thomas J. Ball vs. William Anderson &  
Lee Co.

Poteet

CA-Debt

T-Property



To the Hon H.S.K. Morison Judge of the Circuit  
Court of Lee County Virginia:

Humbly complaining your Orator Thomas  
J. Ball would respectfully represent, that  
about the day of 1888 One William And-  
erson obtained a judgment at law before one  
Wm A. Owens a Justice of the peace for said county  
against your Orator and one Harry T. Ferguson  
his surety for the sum of \$90.00 with legal interest  
thereon from the 25th day of Dec. 1887, till paid  
and the costs, amounting to \$

Your Orator further states that on the day  
of 1888 the said Justice of the peace issued  
an execution on said judgment at law, against  
your Orator and said Ferguson for the amount  
of said judgment and cost. And placed the  
same in the hands of one Columbus Potul a  
Constable of said county to be lived and collected  
according to law. And on or about the 13th day of  
March 1888, said Potul as such Constable served said  
execution so issued on said judgment, upon a raft  
of Poplar Saw-logs now lying in Powell's river near  
the Old Chuck House and ready to be run to market  
on the first high water that will admit thereof, and  
which logs so served on, had before the time hereafter  
stated, belonged to your Orator

Your Orator now states that said judgment and  
the execution which was issued thereon, should be



perpetually enjoined, and all proceedings stayed thereon as he will now show to your Honor.

The note on which said judgment was rendered was executed by your Orator and H. T. Ferguson as his surety to said Wm. Anderson for the price of a yoke of cattle subsequently used by your Orator for logging purposes, and the same became due and payable Dec 25 1887.

In the month of Jan'y 1888 your Orator contracted and sold to the said William Anderson two rafts of Poplar saw logs in Sawalls river rafted together and fixed ready to be run down the river to Market at six dollars and twenty five cents for each thousand feet of lumber (board measure) therein, and in consideration thereof, the said Wm. Anderson was to deliver to your Orator as a part of the purchase price of said logs, the said note on which said judgment was rendered. He was then to pay and settle a debt owing by your Orator to Dock Anderson and he was then to pay your Orator enough money to pay off any small debts that might be pressing him, and the balance he was to pay your Orator as soon as said timber could be run down the river.

Your Orator now states that in this transaction he had fully paid said note on which said judgment was rendered, but notwithstanding this fact, which the said William Anderson well knew, he placed said note in the hands of said Petitioner and caused him to warrant your Orator and said Ferguson thereon, and the



said warrant was returned before said Owens for trial.

On the day set for the trial thereof your Orator appeared before said justice early in the morning and remained at his house, until nearly night and in the mean time your Orator informed him of the manner in which said note had been paid, and that there was not one farthing due thereon. But as said sale of logs, was one which required some skill and experience in its fair and legal construction, and the sum in controversy exceeding twenty dollars, your Orator in the exercise of a legal right which the statute confers upon him, thereupon demanded of said justice before trial that said cause be sent to the County Court of Lee County for trial therein. And after making this demand and remaining there until nearly night and no action had therein, your Orator returned home, supposing said justice would do his plain and bounden duty under the facts of the case. But instead of sending said cause to the County Court for trial and in the absence of your Orator and without hearing his evidence of payment, said justice proceeded to, and did render judgment against your Orator and said Ferguson, and issued execution thereon which has been issued as aforesaid.

Your Orator is advised that the statute under which said demand was made, is mandatory and leaves the justice without any discretion in the premises & that a judgment thus rendered is illegal and will



be so held by a court of equity and all further proceedings thereunder perpetually inhibited and enjoined and to obtain that end is the object of this bill.

The premises considered your Orator prays that said Wm Anderson & Columbus Potut be made defendants to this bill and be required to answer the same on oath. And upon a hearing thereof a decree be entered perpetually enjoining and inhibiting all further proceedings on said judgment at law, and if deemed appropriate and necessary that a trial at law be ordered to be had at the bar of the court, or of the county court, and your prays for all general relief my countrymen's writ of *scire facias* with injunction enclosed therein issue &c.

A. I. Pridemore

I do swear that the facts and statements in the foregoing bill so far as made on my own knowledge are true and so far as made on information derived from others I believe them true so help me god.

J. J. Ball

Sworn to before me. March 15 1888

H. J. Morgan Court.



6 5.70  
3 1.00  
\$6.70

1888 Apr. Bill filed  
Spa Exp. & D. N.  
" May & June Contd.  
" July dismissed  
by Plaintiff

Thomas J. Ball (M & P)

Bill

Wm. Anderson & Co.

Injunction granted  
enjoining to the prayer of  
the bill restraining and  
inhibiting the said Wm.  
Anderson & Columbus Potit  
from collecting and all  
other persons from proceed-  
ing to enforce said levy or  
in anyway collect said  
debt or enforce said  
Judgment till the future  
order of the Circuit Court  
of Lee County Va.

But this injunction  
is not to be operative un-  
till the complainant or  
some one for him has  
presented bond before the  
Clerk of the Circuit Court  
of Lee County in the penal-  
ty of \$150.00 conditioned  
to pay all costs and dam-  
ages sustained by any per-  
son should this injunction  
be hereafter dissolved.  
March 15th 1888.

C. T. Duncan

To Clerk Circuit Court  
Lee County Va.



Know all men by these presents  
that we Thos. J. Ball and  
are held and firmly bound unto  
the Cometh of Va in the just & full  
sum of \$150.<sup>00</sup>, ~~and~~ for the prompt  
payment thereof well & truly to be  
made unto the said Cometh, we  
each bind ourselves heirs &c  
and we as to this bond waive  
our homestead exemptions  
virtues of our hands and seals  
this the 15<sup>th</sup> March 1888,

The conditions of the above  
obligation is such that whereas  
the above bound Thos. J. Ball  
has this day obtained an injunction  
restraining & inhibiting the collection  
of the Judgment mentioned in the  
Bill until the future orders of  
the Circuit Court for Lee County

Now therefore should the above  
bound Thos. J. Ball or some  
one for him pay all costs and  
damages sustained by any person  
should this injunction be hereafter  
dissolved, and the costs due <sup>and</sup>  
to become due the officers of the  
Court in this Cause, then this



obligation to be void otherwise to  
remain in full force.

J. J. Ball

A. T. Ferguson  
as Security

Thomas J. Ball

vs  
J. J. Ball

Wm. C. Anderson et al.

Filed March 16<sup>th</sup>

1888

J. J. Ball Attorney



# The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

*Wm. Anderson*  
*and C. C. Tate*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday  
in *April* next, being rule day to answer a bill in Chancery exhibited in our said Court  
against *them* by *Thos. J. Ball*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.  
This *15<sup>th</sup>* day of *March* 18*88*, in the 11*2* year of the Commonwealth.

*J. A. G. Hyatt* Clerk.

A Copy Teste



The proper affidavit having been made  
 and the bonds required in the order of Sequestration  
 having been executed, The Defts, Mr. Anderson &  
 C. C. Tateet are restrained and inhibited from  
 collecting the Prodt or enforcing the levy mentioned  
 in the Decs till the future order of the  
 Circuit Court for Lee County  
 J. A. G. Haydt

(D)  
 Hon. J. Ball  
 Clerk of Lee County  
 Dec 3  
 Mr. Anderson et al

To April Rules 1886.  
 Executed by  
 J. B. Walker, Spt.  
 for R. L. Eganey  
 March 27

Witness, J. A. G. Haydt, Clerk of said Court at the Court House  
 in the 11  
 West of the Commonwealth  
 Clerk